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OFFICE OF PETITIONS

In re Application of :
Richard L. Coulson : DECISION GRANTING
Application No. 09/981,620 : PETITION
Filed: October 16, 2001 :
Attorney Docket No. 5038-118 :

This is a decision on the petition under 37 CFR 1.10(d) filed on February 21, 2002, requesting that the above-identified application be accorded a filing date of October 16, 2001, rather than the presently accorded filing date of October 15, 2001.

Applicant submits a copy of the Express Mail label No. EL730606756US, the same Express Mail receipt number that appears on the original transmittal letter. While applicant admits that the Express Mail label bears a handwritten "date-in" of 10/15/01, applicant argues that the application was actually deposited with the U.S. Postal Service (USPS) as Express Mail pursuant to 37 CFR 1.10 on October 16, 2001. In support, applicant provided a copy of the USPS Track/Confirm record showing that the package in question was accepted on October 16, 2001.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 16, 2001.

The petition is granted.

No petition fee is required and none has been changed.

The application is being returned to Initial Patent Examination Division for correction of the filing date to October 16, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
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Petitions Examiner
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for Patent Examination Policy